

REMARKS

Claims 2, 4, 5, 7-10, 12-14, 16, and 18-20 remain pending in the present application. By the present amendment, claims 2 and 12 have been amended.

Claim amendments

Applicant has noted Examiner's objections to Claim 2 and 12. In response, Applicant has amended the claims using the amendments suggested by the Examiner. Therefore, the Applicant respectfully requests that the examiner withdraw the claim objections.

Rejection under 35 USC §103(a)

Examiner has rejected claims 12-14 based on Ohnishi '834 in view of Anagnostopoulos '391. More specifically, Examiner states that Ohnishi discloses a heater layer (8) *integral* to the TFT array layer between the glass substrates to allow faster heating of the layer of liquid crystal (par. 0086). Examiner concedes that Ohnishi fails to disclose the heater layer is made of metal instead of the disclosed ITO. However, Examiner submits that Anagnostopoulos (par. 0037) teaches that the use of metals or ITO are considered art recognized equivalents. Applicant respectfully traverses the rejections of claims 12-14.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Claim 12, and by dependence all the other pending claims as well, recite that "a metal heater layer is integral to said TFT array layer." (emphasis added). However, Applicant submits that Ohnishi's heater layer is neither metal nor integral.

An example of such an *integral* heater layer is shown in Figure 11 and described in paragraph [0036]. Note carefully that Applicant's heater layer is actually *built into* the TFT array layer (i.e., integral). In contrast, the *light-transmissive* temperature application section (8) of Ohnishi '834 is not integral with the TFT array layer. Instead,

as shown in Fig. 3 of Ohnishi, the light-transmissive temperature application section is an independent layer altogether.

Furthermore, the addition of Anagnostopoulos will not save the rejection. First of all, the combination of Ohnishi and Anagnostopoulos et al is inappropriate because it would render Ohnishi's invention inoperative. The proposed modification cannot render the prior art unsatisfactory for its intended purpose. MPEP §2343.01. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The error of this combination will now be discussed.

Applicant respectfully directs Examiner's attention to the fact that Ohnishi requires that the temperature application section is also *light-transmissive* [0064] while the metals described by Anagnostopoulos are not light-transmissive as defined by Ohnishi (see definition of Light-transmissive) in para. [0064]. Ohnishi's temperature application section must be light-transmissive because it (8) corresponds to the display area (i.e., the layer covers entire surface area of the display [0065]). An opaque metal heater layer in Ohnishi's device would make it impossible to view. While it is true that Ohnishi teaches that "the temperature application section may be formed, by patterning," these patterns always correspond "to a predetermined display area." [0036]. Ohnishi does not teach or suggest that the heater layer can be patterned outside the active pixel aperture.

Furthermore, as for Anagnostopoulos, the only time he mentions metal heater layers is in the context of a print head. When he briefly mentions LCD devices in paragraph 33, it is only in the context of light-transmissive ITO. Therefore, combining a metal heater layer (allegedly in Anagnostopoulos) with Ohnishi would render Ohnishi inoperative for its intended purpose.

As to all other pending claims 2, 4, 5, 7-10, 16, and 18-20:

Applicant traverses all of these rejections on the basis that the Patent Office has failed to show that independent claim 12 is obvious. If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.

In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Since all other pending claims depend from claim 12, Applicant respectfully submits that they are in condition for allowance. As to all pending claims, there is no reference showing “a metal heater layer is integral to said TFT array layer” (emphasis added). The additions of Takasu (for claims 18-20), Taniguchi et al and Shin et al (for claims 2, 4, 5, 7-10, and 16) does nothing to remedy this deficit.

Conclusion

The Applicant respectfully submits that the present application is now in condition for allowance and such action is earnestly requested. If a telephone interview is required to resolve any further issues, such a call from the Examiner is respectfully requested.

Respectfully submitted,

Dated: September 25, 2007

By: /Mark R. Engle/
Mark R. Engle
Reg. No. 58,927
Standley Law Group LLP
495 Metro Place South, Suite 210
Dublin, Ohio 43017-5315
Telephone: (614) 792-5555
Facsimile: (614) 792-5536